

1 HONORABLE RICHARD A. JONES
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Peoples Bank,

Plaintiff,

v.

Norcoaster, *et al.*,

Defendants.

Case No. 2:22-cv-00127-RAJ

ORDER

This matter comes before the Court on Plaintiff's Motion for Order Authorizing Clerk to Issue Process Pursuant to Supplemental Rule C. Dkt. # 6. Through this motion, Plaintiff asks the Court to authorize the Clerk to "to issue a Warrant for Arrest for the defendant vessel, NORCOASTER, Official Number 563617." *Id.* at 1-2.

An in rem action may be brought to enforce any maritime lien or "[w]henever a statute of the United States provides for a maritime action in rem or a proceeding analogous thereto." Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. C(1); *see also* 46 U.S.C. § 31325 (authorizing a mortgagee, upon the default of a preferred mortgage, to "enforce the preferred mortgage lien in a civil action in rem for a documented vessel"). "To commence an action in rem against a vessel, the plaintiff must file a verified complaint that describes the vessel 'with reasonable particularity' and states that the vessel 'is within the district' or will be so 'while the action is pending.'" *Barnes v. Sea Hawaii*

ORDER – 1

1 *Rafting, LLC*, 889 F.3d 517, 529 (9th Cir. 2018) (quoting Fed. R. Civ. P. Supp. Adm. &
 2 Mar. Cl. R. C(2)). If after reviewing a complaint and any supporting papers it appears
 3 that the conditions for an in rem action exist, “the court must issue an order directing the
 4 clerk to issue a warrant for the arrest of the vessel or other property that is the subject of
 5 the action.” Fed. R. Civ. P. Supp. Adm. & Mar. Cl. R. C(2).

6 Plaintiff meets all but one requirement to bring an in rem action. Plaintiff’s
 7 complaint is verified. Dkt. # 1 at 11; Dkt. # 3 ¶ 2. It states that the defendant vessel,
 8 Norcoaster, is, by the terms of the loan documents, located at Fisherman’s Terminal,
 9 3919 18th Avenue W, Seattle, WA 98119. Dkt. # 1 ¶ 3. The vessel is thus within this
 10 district or will be so while the action is pending. And Plaintiff attaches to the complaint
 11 its preferred marine mortgage securing Defendants’ debt. *Id.* ¶ 12, Ex. D.

12 But Plaintiff misses one requirement: it fails to “describe with reasonable
 13 particularity the property that is the subject of the action.” Fed. R. Civ. P. Supp. Adm. &
 14 Mar. Cl. R. C(2)(b). It does not describe the Norcoaster at all. *Cf. Cahuenga Assocs. II*
 15 v. *S/V MAKO*, 256 F. Supp. 3d 1092, 1095 (S.D. Cal. 2017) (finding Admiralty Rule C
 16 requirements met when the complaint identified the vessel as a “2003 Farr 40 sailboat of
 17 approximately 40.5–feet in length, and 13–feet in beam”); *City of Brisbane v. M/Y Sasi*
 18 *Sue*, No. 3:19-cv-02496-RS, 2019 WL 3363791, at *2 (N.D. Cal. May 10, 2019), *report*
 19 *and recommendation adopted*, 2019 WL 3386267 (N.D. Cal. May 14, 2019) (finding
 20 reasonable particularity met when a complaint described the vessel as “a 38-foot Bertram
 21 motor yacht”).

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28 ORDER – 2

1 Because Plaintiff fails to identify the Norcoaster with reasonable particularity, the
2 Court **DENIES** Plaintiff's motion. Dkt. # 6. The Court does so without prejudice to
3 refiling.

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5 DATED this 4th day of February, 2022.

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8 The Honorable Richard A. Jones
9 United States District Judge